

REMARKS

Claim 9 has been amended to emphasize that the fuel cartridge is self regulating and for a domestic fireplace, the elongate shape of the rectangular box, the noncombustible property of the chamber; the chamber filling property of the gel fuel; the noncombustible top wall extending parallel to the bottom wall and an elongate, rectangular vapor exit aperture of predetermined constant size and forming the noncombustible vapor restrictors, the cartridge being self-regulating by the vapor restrictors so that a visible, elongate, rectangular flame pattern of predetermined size and shape corresponding to a size and shape of the exit aperture is produced throughout combustion.

Consequently, claims 2, 3 and 6-8 have been cancelled.

Basis for the amendments is to be found in the specification as originally filed.

Other amendments have been made to the claims to improve their literal reading.

New claim 10 expresses the invention in different terms

In the office action, the examiner has rejected claims 1-9, as originally filed, under 35 USC 102 as anticipated by either Fernholtz (2,212,157) or Perlman (6,755,877).

Fernholtz discloses an orchard heater for preventing damage by frost to fruit in citrus groves which burns a solid fuel in which the fuel container is formed of a combustible material such that the container and the fuel burn evenly. Col. 1, lines 1-8. There is no disclosure or suggestion in Fernholtz of a fuel chamber having a non-combustible top wall forming non combustible vapor restrictors to self-regulate the flame pattern produced by the burning fuel.

Perlman, likewise discloses a combustible fire starting or heat providing assembly in which a combustible alcohol based fuel is held within a combustible container. Here again, there is no disclosure or suggestion of a fuel container with a non-combustible top wall having vapor restrictors to self regulate the burning of the fuel.

In contesting the examiner's rejection, as it may apply to the amended claims, it is pointed out that each reference teaches as a whole that the fuel containers must be combustible whereas, in contrast, the claims now require that the chamber and top wall are noncombustible as necessary for the configuration of the vapor exit aperture to be maintained constant throughout fuel burning so as to allow the vapor restrictors to self-regulate the fuel burning to provide a visible, elongate, rectangular flame pattern of predetermined size and shape throughout combustion.

It is clear, therefore, that the rejection of anticipation has been obviated by the amendments to the claims.

Should a question of obviousness arise, it is pointed out that, the teachings of the references considered either severally or in combination do not disclose or suggest the desirability of producing a visible, rectangular flame pattern throughout combustion let alone the manner in which this is achieved as recited in the presently amended claims. Furthermore, as pointed out above, the teaching of each reference requires that, as the fuel is consumed, the containers must themselves be consumed by burning, (evidently, top down), (e.g. Ferholtz Col 3, lines 2-6 and 12-14, Perlman abstract), which would clearly result in any top wall structure, especially one including overhanging vapor restrictors, being destroyed initially, eliminating any possibility of self-regulation to achieve a predetermined elongate, rectangular flame pattern being produced throughout combustion.

Clearly, therefore, the man of ordinary skill seeking to obtain an improved constant flame pattern utilizing flame regulating vapor restrictors would not be motivated to address either reference as their individual teachings as a whole are not

suggestive but indeed contrary to the claimed invention.

Attached is an information disclosure statement listing both published applications filed by the applicant and references cited either by the applicant or by examiners during prosecution. As the references are numerous, patents that may possibly be deemed more relevant have been indicated by a “# “ sign, without admission as to materiality. A copy of EP0264014, cited therein, is also attached.

Favorable reconsideration of the application is requested.

An extension of one month of the period permitted for responding to the office action is requested.

Authorization is given to deduct the amount of \$240, (comprising the fee of \$180 for submission of the IDS plus the fee of \$60 for the requested extension), from deposit account 21-0760 of the undersigned.

Respectfully submitted,

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